

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Twyla King,

Plaintiff,

v.

Case No. 20-10400

National Professional Staffing, LLC, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

ORDER FOR SUPPLEMENTAL BRIEFS

On February 14, 2020, sole Plaintiff Twyla King filed a “Collective Action Complaint,” asserting claims under the federal Fair Labor Standards Act (“FLSA”) against the following four Defendants: 1) National Professional Staffing, LLC (“National”); 2) Prudential Security, Inc. (“Prudential”); 3) Carol Douglas; and 4) Derek Wroblewski.

Under this Court’s Scheduling Order, discovery in this case is set to close on June 25, 2021.

On May 28, 2021, Plaintiff filed a “Motion for Leave to File A First Amended Complaint.” (ECF No. 56). In it, Plaintiff seeks to filed an amended complaint in order to “add Staffing Professionals of Michigan, LLC (“SPM”) and Michigan Professional Staffing, LLC (“MPS”) and John Does 1-10 as Defendants.” (*Id.* at 1).

Defendant Prudential opposes Plaintiff’s Motion to Amend. It asserts, among other things, that amendment should be denied because Plaintiff was never employed by, and never performed any services for, any of the new defendants she seeks to add to this lawsuit.

In her Reply Brief, Plaintiff does not appear to dispute that she was never employed by

the defendants she seeks to add to this litigation and contends that Prudential is misplaced in “directing its attention to Plaintiff alone” because Plaintiff seeks to bring a collective action. (Reply at 1).

Upon initial review of the briefs, this Court questions whether Plaintiff has *standing* to assert FLSA claims against the additional parties she seeks to add as defendants in this case. *See, e.g., Berger v. National Collegiate Athl. Assoc.*, 843 F.3d 285, 289 (7th Cir. 2016) (“Under the FLSA, alleged employees’ ‘injuries are only traceable to, and redressable by, those who employed them.’”); *Roman v. Guapos III, Inc.*, 970 F. Supp.2d 407, 412 (D. Md. 2013) (Busboys and waiters lacked standing to assert FLSA claims against restaurants where they did not work).

In order to aid the Court’s evaluation of the pending Motion to Amend, the Court concludes that supplemental briefing is warranted. The Court hereby **ORDERS** that, **no later than July 9, 2021**, Plaintiff shall file a supplemental brief of no more than **five (5) pages** that is limited to the following issues: 1) whether Plaintiff has ever been employed by any of the entities that she seeks to add as defendants in this case, or performed services for them; and 2) if not, whether Plaintiff has standing to assert FLSA claims against those entities.

The Court **FURTHER ORDERS**, that no later than **July 23, 2021**, Defendant Prudential may file a supplemental brief of no more than **five pages** that is limited to the same two issues.

No additional briefing shall be permitted without leave of Court.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: June 25, 2021